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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,635	10/14/2003	John H. Bridges III	08049.0952-01000	3706
22852	7590	06/17/2008		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER SMYTH, ANDREW P	
			ART UNIT	PAPER NUMBER
			2881	
			MAIL DATE	DELIVERY MODE
			06/17/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/684,635

**Applicant(s)**

BRIDGES ET AL.

**Examiner**

ANDREW SMYTH

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 11/30/2007.  
2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.  
4a) Of the above claim(s) 1-29 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 30-38 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 01/26/2005; 11/30/2007  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Inventor's Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Claims 30 and 36 amended.
2. Claims 1-29 canceled.
3. Claims 37-38 are new claims.

***Response to Arguments***

1. Applicant's arguments with respect to claims 30-36 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

1. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: "conducting remediation activities".
2. Claims 36 and 38 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: "establishing conditions of readiness".

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 30-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Lejeune (US 20040043443).

Lejeune discloses the following:

Regarding applicant's claim 30. (Currently Amended) A remediation method comprising the steps of:

conducting remediation activities at a site where a biological attack may have occurred;

establishing an exclusion zone with restricted access thereto, wherein the exclusion zone includes the site of the a suspected biological attack;

establishing a contamination reduction zone adjacent to the exclusion zone, wherein a person entering the exclusion zone or exiting from the exclusion zone does so through the contamination reduction zone, and wherein the contamination reduction zone has located therein means for decontaminating personal protective equipment worn by the person exiting the exclusion zone;

establishing a support zone adjacent to the contamination reduction zone, wherein the support zone is a clean zone and wherein the support zone includes dressing facilities and equipment; and

monitoring weather conditions at the site (abstract)[0005; 0007; 0014; 0029; 0030; 0036; 0042].

Regarding applicant's claim 31. (Previously Presented) The method of claim 30, wherein the weather conditions comprise wind speed [0030].

Regarding applicant's claim 32. (Previously Presented) The method of claim 30, wherein the weather conditions comprise wind direction. [0030].

Regarding applicant's claim 33. (Previously Presented) The method of claim 30, wherein the weather conditions comprise ambient outside temperature. [0030].

Regarding applicant's claim 34. (Previously Presented) The method of claim 30, wherein the weather conditions comprise ambient relative humidity[0030].

Regarding applicant's claim 35. (Previously Presented) The method of claim 30, wherein the weather conditions comprise barometric pressure[0030].

Regarding applicant's claim 36. (Currently Amended) The method of claim 30, further comprising the step of establishing conditions of readiness based on the monitored weather conditions [0030].

Regarding applicant's claim 37. (New) The method of claim 30, wherein the weather conditions comprise lightning [0030].

Regarding applicant's claim 38. (New) The method of claim 36, wherein the step of establishing conditions of readiness further comprises the steps of:  
establishing a fifth condition of readiness based on a likelihood that the destructive winds may impair the remediation activities within 96 hours;  
establishing a fourth condition of readiness based on a likelihood that the destructive winds may impair the remediation activities within 72 hours;  
establishing a third condition of readiness based on a likelihood that the destructive

winds may impair the remediation activities within 48 hours;  
establishing a second condition of readiness based on a likelihood that the destructive winds may impair the remediation activities within 24 hours;  
establishing a first condition of readiness based on a likelihood that the destructive winds may impair the remediation activities within 12 hours (page 7, reference's claim 9).

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinent prior art is closely related art that individually or in combination could be considered grounds for rejection. See references cited for a listing of the pertinent prior art found and the prior art found.
2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Smyth whose telephone number is 571-270-1746. The examiner can normally be reached on 7:30AM - 5:00PM; Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on 571-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. S./  
Examiner, Art Unit 2881

/ROBERT KIM/  
Supervisory Patent Examiner, Art Unit 2881